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**Report of: Managing Director (People and Places) and Borough Solicitor**

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**SUBJECT: PROBITY IN PLANNING – 2013 UPDATE**

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Borough wide interest

### **1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of the publication by the Local Government Association of an update to its guidance note "Probity in Planning".

### **2.0 RECOMMENDATION**

2.1 That Members note the contents of the Local Government Association's update to its guidance note "Probity in Planning" upon which training will be offered to all members at the forthcoming annual planning training session organised by the Assistant Director Planning.

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### **3.0 BACKGROUND**

3.1 Planning has a positive and proactive role to play at the heart of local government. It helps local authorities stimulate growth whilst looking after important environmental matters. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

3.2. The planning system works best when officers and members involved in planning understand their roles and responsibilities and the context and constraints in which they operate. Planning decisions involve balancing many competing interests. In doing so decision makers need an ethos of decision making in the wider public interest on what can be controversial proposals.

3.3. The challenge of achieving a balance between these competing interests led the Local Government Association (LGA) to issue its original "Probity in Planning" guidance note in 1997. From time to time the guidance has been updated to reflect changes to the ethical framework within which local government operates.

- 3.4. The LGA's 2013 update to its "Probity in Planning" guidance reflects changes introduced by the Localism Act 2011 (the Act). It seeks to clarify how members can get involved in planning discussions on behalf of their communities in a fair, impartial and transparent way.
- 3.5 The Act sets out a duty for each local authority to promote and maintain high standards of conduct by members and to adopt a local code of conduct consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 3.6 In compliance with this duty, on 1 July 2012, the Council adopted a new ethical framework together with a revised Members' Code of Conduct requiring members to register and declare disclosable pecuniary interests (defined within regulations made pursuant to the Act). The Code of Conduct also requires the registration and disclosure of certain pecuniary and non-pecuniary interests (defined within the Code) and provides that members may not participate, or vote, in matters in which they have either a disclosable pecuniary interest or a pecuniary interest. In doing so the provisions of the Act, and the Code of Conduct, seek to separate interests arising from the personal and private interests of members from those arising from the member's public duties.
- 3.7 The LGA's revised guidance also reminds members of the need to avoid any appearance of bias, or of having a predetermined view, before taking a decision on a planning application or on planning policies. Clearly, expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a member makes it clear they are willing to listen to all the considerations presented at committee before deciding how to vote. The revised guidance references Section 25 of the Act which provides that a member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. Members may recall that I issued a "Councillor Advice Note 3 – Localism Act 2011 – Predisposition and Predetermination" in March 2012 to assist members in this important aspect of decision making.

#### **4.0 PROPOSALS**

- 4.1 The updated guidance reflects important changes introduced by the Act. I would recommend that members note the revised guidance to help to ensure that the highest standards of propriety are maintained in West Lancashire.
- 4.2 Training on the updated guidance will be offered to all members at the forthcoming annual planning training session to be organised by the Assistant Director Planning in Autumn 2013.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 There are no significant financial or resource implications arising from this report.

## **7.0 RISK ASSESSMENT**

7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision to note the report does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

Appendix 1 – LGA’s updated guidance note “Probity in Planning”: (*available at* [http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=0cd60061-e3bb-416e-84ae-b0falfebd215&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=0cd60061-e3bb-416e-84ae-b0falfebd215&groupId=10171)).